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RECENT CASES.

CORPORATIONS.

Street Railroads—Refusal to Give Transfer—Action for Penalty.—*Meyers v. Brooklyn Heights R. R. Co.*, 41 N. Y. Sup. 798. The law will not enforce a penalty for refusal to give a transfer to "any passenger desiring to make one continuous trip" between two points on a street railway system, where it appears the passenger was riding solely for the purpose of demanding the transfer and recovering the penalty on refusal. He is not, within the term of the statute, a passenger seeking to make one continuous trip on the connecting lines of the system.

Street Railroads—Contributory Negligence—Failure to Look Back.—*Rooks v. Houston, W. S. & P. F. R. Co.*, 41 N. Y. Sup. 824. If a person, while riding a bicycle along and upon a cable car track, is struck by an overtaking car he is guilty of no contributory negligence from the mere fact of his failure to look back for such car. The law imposes no such duty upon a person.

Street Railway Companies—Improvements of Streets—Contracts.—*Borough of Shamokin v. Shamokin St. Ry. Co.*, 35 Atl. Rep. 862 (Pa. St.). A street railway company was required by the terms of its grant to lay its tracks on the grade of the streets thus used, and to share with the municipality the expense of "repairing or macadamizing" any of these streets. The company received notice that the municipality had decided to pave a street with asphalt; also that its tracks therein were not placed on the proper grade. The company paid no attention and the municipality, by itself, changed the grade of the tracks and paved the entire street. Held, that the company is liable to the municipality for the cost of altering the tracks and also for the preliminary work of paving the street, but not for the actual laying of the asphalt.

Carriers of Passengers—Steamboats—Liability as Innkeeper.—*Adams v. New Jersey Steamboat Co.*, 45 N. E. 369 (N. J.). Money for traveling expenses was stolen from a cabin passenger on a steamboat without negligence either on his part or that of the carrier. "The relations that exist between a steamboat and

its stateroom passengers differ in no essential respect from those that exist between an inn-keeper and his guests." For cases holding steamboat company not liable as inn-keeper see *Steamboat "Crystal Palace" v. Vanderpool*, 16 B. Mon. 302; *Clark v. Burns*, 118 Mass. 275.

Railroad Companies—Receivers—Supply Claims—Diversion—Equity—Reasonable Time.—*Southern Ry. Co. v. Carnegie Steel Co., Limited*, 76 Fed. Rep. 492 (Va.). When renewable notes of a railroad company were taken in payment for current supplies, and after renewal, but before maturity, the company went into the hands of a receiver, it was held that such notes for current supplies, contracted within a reasonable time before the receivership, and, by the principles governing the administration of the assets of a railroad by receivers, payable from the surplus earnings, have a priority over claims for improvements, interest, or dividends, and equity will give supply creditors, as against mortgage creditors, the right to recover money thus spent. The case of *Bound v. Railway Co.*, 8 U. S. App. 472; 7 C. C. A. 322, and 58 Fed. Rep. 473, was distinguished in that the appellant, by taking notes for eight months was held to have assented to the use of the earnings for the payment of interest. Similar decision in *Southern Ry. v. American Brake Co. et al.*, 76 Fed. Rep. 502, and in *Southern Ry. Co. v. Tillett*, 76 Fed. Rep. 507, in a claim for necessary repairs.

Municipal Corporations—Public Improvements—Enactment of Ordinances—Evidence of Fraud.—*Morse et al. v. City of Wesport et al.*, 37 S. W. Rep. 932 (Mo.). The fact that a city council orders a large number of streets to be macadamized and curbed at the expense of the abutting property owners in anticipation of a new legislative enactment forbidding cities to pass such ordinances, except upon petition of a majority of the resident real estate owners, held by a majority of the court not, in itself, proof of fraud.

INSURANCE.

Marine Insurance—Substitution—Construction of Contract.—*New Haven Steamboat Co. v. Providence Washington Ins. Co.*, 41 N. Y. Supp. 1042. An insurance policy was issued on plaintiff's steamer *C. H. Northam*, the policy providing that the insurance should cover any other steamer that should take her place, notice of such substitution to be given. Soon after the steamer